



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

PUBLIC NOTICE

CLARIFICATION

Isla Del Rio LLC -- P/N# 2008-2104-1IT-P

The Army Corps of Engineers placed the above project on public notice on November 21, 2008. OCRM did not place this project on public notice because additional information was required from the applicant. This notice is to clarify that OCRM is placing the above project on public notice January 30, 2009 and that the correct suspense date to have comments to OCRM is March 1, 2009.

Comments will be received on this public notice at the address below until March 1, 2009. For further information, please contact the project manager, Geordie J Madlinger at 843 846-9400.

January 30, 2009

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Beaufort Office • 104 Parker Drive • Beaufort, SC 29906 • Phone: (843) 846-9400 • Fax: (843) 846-9810 • www.scdhec.gov

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N # 2008-2104-11T

21 November 2008

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

ISLA DEL RIO, LLC
C/O ENVIRONMENTAL SCIENCE & TECHNOLOGIES
P.O. BOX 30548
SAVANNAH, GEORGIA 31410

MAJOR ACTIVITY

for a permit to construct a private community fishing pier on an

UNNAMED TRIBUTARY OF WHALE BRANCH

on the western side of Edens Key Subdivision off of Trask Parkway (US HWY 21) south of Lobeco in Seabrook, Beaufort County, South Carolina (32.54228 Latitude/ -80.72571 Longitude)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, SUNDAY, MARCH 1, 2009

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the construction of a 6' X 575' fixed wooden pier connecting to a 22' X 42' fixed covered pier head. The roof will be no taller than 12' in height and will be equipped with solar power system to energy for deck lighting. In addition, a 4' tall wooden safety railing will also be constructed. The purpose of the proposed pier is to provide a private community with recreational water access for the purposes of fishing, crabbing, and observation only. Boat docking will be prohibited.

REGULATORY DIVISION

Refer to: P/N # 2008-2104-11T

21 November 2008

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certification is received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the South Carolina Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact approximately 0.1 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the applicant has provided a protected species survey for the property associated with the activity described above. Based upon this report, the District Engineer has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

REGULATORY DIVISION
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21 November 2008

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Tracy C. Dotolo at 843-329-8044 or toll free at 1-866-329-8187.

OCRM PROJECT MANAGER
GEORGE J. MADLINGER
(843) 846-9400



HAMMOCK

MARSHES OF
WHALE
BRANCH

FIXED WOODEN WALKWAY
575' LONG X 6' WIDE

HAMMOCK

UNNAMED TRIBUTARY OF
WHALE BRANCH

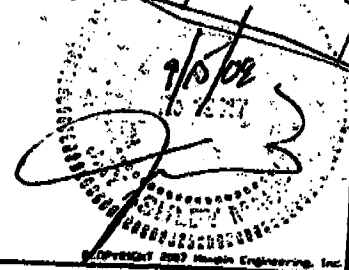
25' COMMON
ACCESS EASEMENT

42' X 21' FIXED WOODEN DECK

EDGE OF CREEK

The area shown hereon is an accurate representation of DHEC-OCRM permit authority on the subject property. The critical area boundaries were surveyed by Atlas Surveying & Mapping, Inc and verified by OCRM on June 15, 2006.

COMMUNITY PIER



**MAUPIN
ENGINEERING**
ENGINEERING • PLANNING • DEVELOPMENT

MAUPIN ENGINEERING, Inc.

515 BLAIR STREET
SAVANNAH, GA 31401

O: 912.238.1961
F: 912.238.6710

2008-2104-11T



SHEET CUT A.1
ISLA DEL RIO, LLC
SEABROOK, SC

DATE: JUNE 2008
JOB #: 000-00-00

NORTH

MARSH

MARSH LINE

75.2'

Ebb
Flow

115.0'

*CREEK CHANNEL DRY
DURING MLW

MARSH LINE

MARSH

10.0'

42.0'

22.3'

MARSH LINE

WOODEN DECK

PITCHED WOODEN ROOF

18" PILES
@ 10' O.C.

18" PILES
@ 4' O.C.

TIED WOODEN WALKWAY
6" X 575'

The area shown hereon is an accurate representation of DHEC-OCRM permit authority on the subject property. The critical area boundaries were surveyed by Atlas Surveying & Mapping, Inc and verified by OCRM on June 15, 2006.

COMMUNITY PIER



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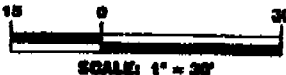
MAUPIN ENGINEERING, Inc.

515 BLAIR STREET
SAVANNAH, GA 31401

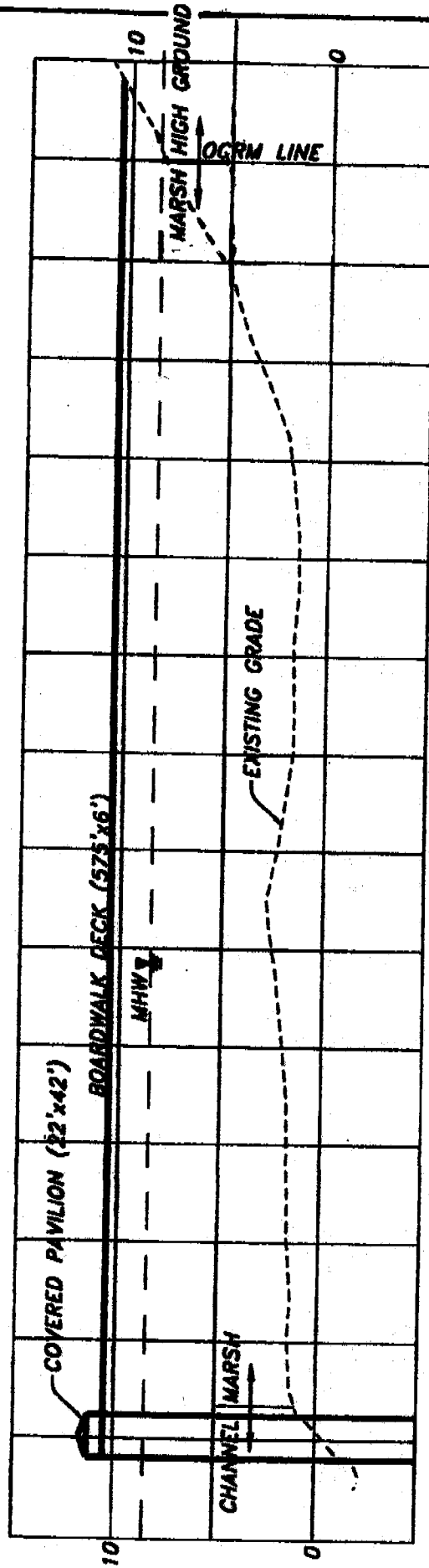
o: 912.236.1981
f: 912.236.6710

2D08 - 2104 - 11T

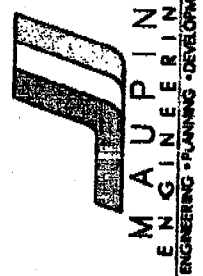
SHEET CUT A.2
ISLA DEL RIO, LLC
SEABROOK, SC



DATE: JUNE 2008
JOB #: 000-00-00



The area shown hereon is an accurate representation of the DHEC-OCRM permit authority on the subject property. The critical area boundaries were surveyed by Atlas Surveying & Mapping, Inc. and verified by the OCRM on June 15, 2006.

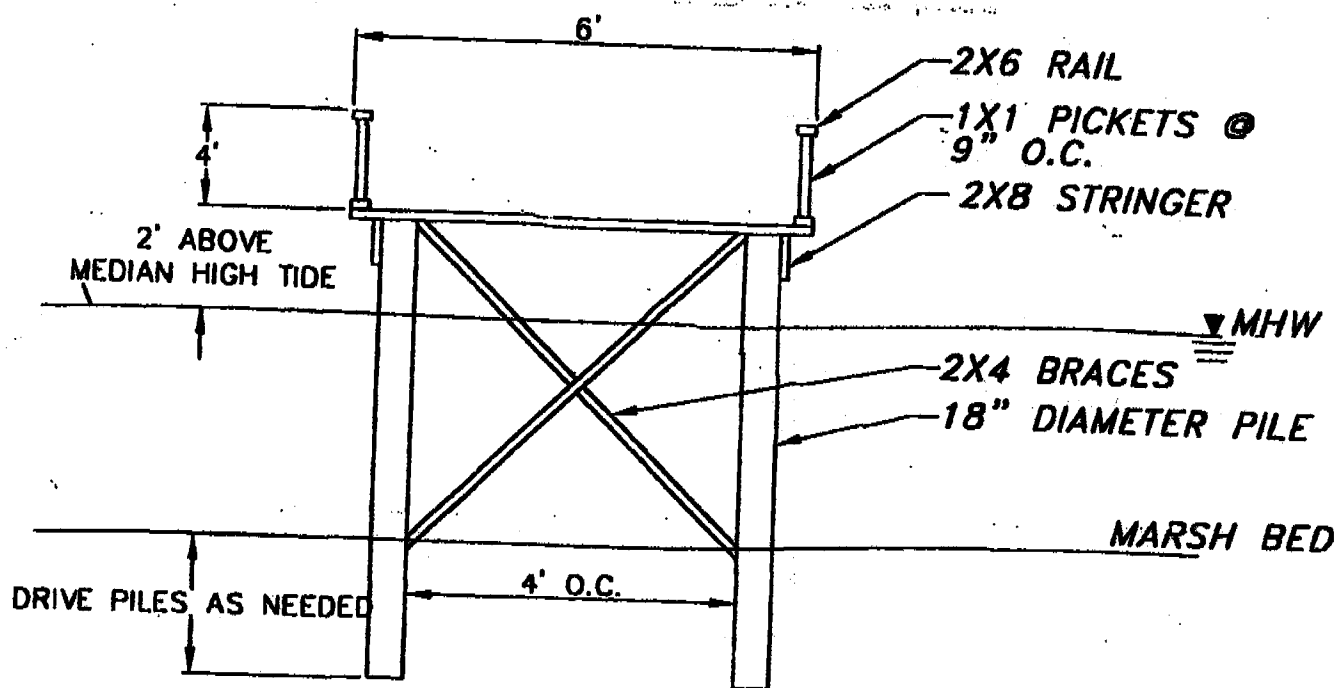


MAUPIN ENGINEERING, INC.
515 BLAIR STREET
SAVANNAH, GA 31401
☎ 912.238.1981
☎ 912.238.6710

SHEET CUT A.3
BOARDWALK PROFILE
ISLA DEL REY, LLC
SEABROOK, SC

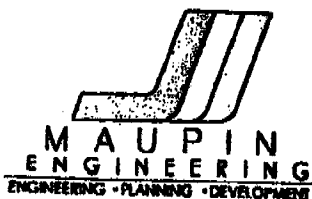
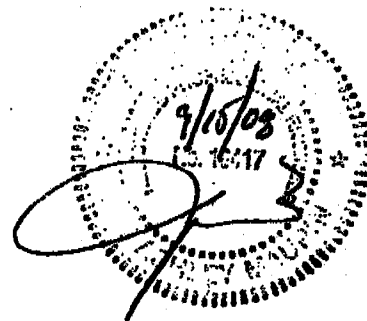
2008-2104-11T

DATE: JAN 2009
JOB #: 102-06-01



* CREEK BED IS DRY DURING MLW

Edens Key Community Fishing Pier
Drawings P/N 2008-2104-11T



MAUPIN ENGINEERING, Inc.

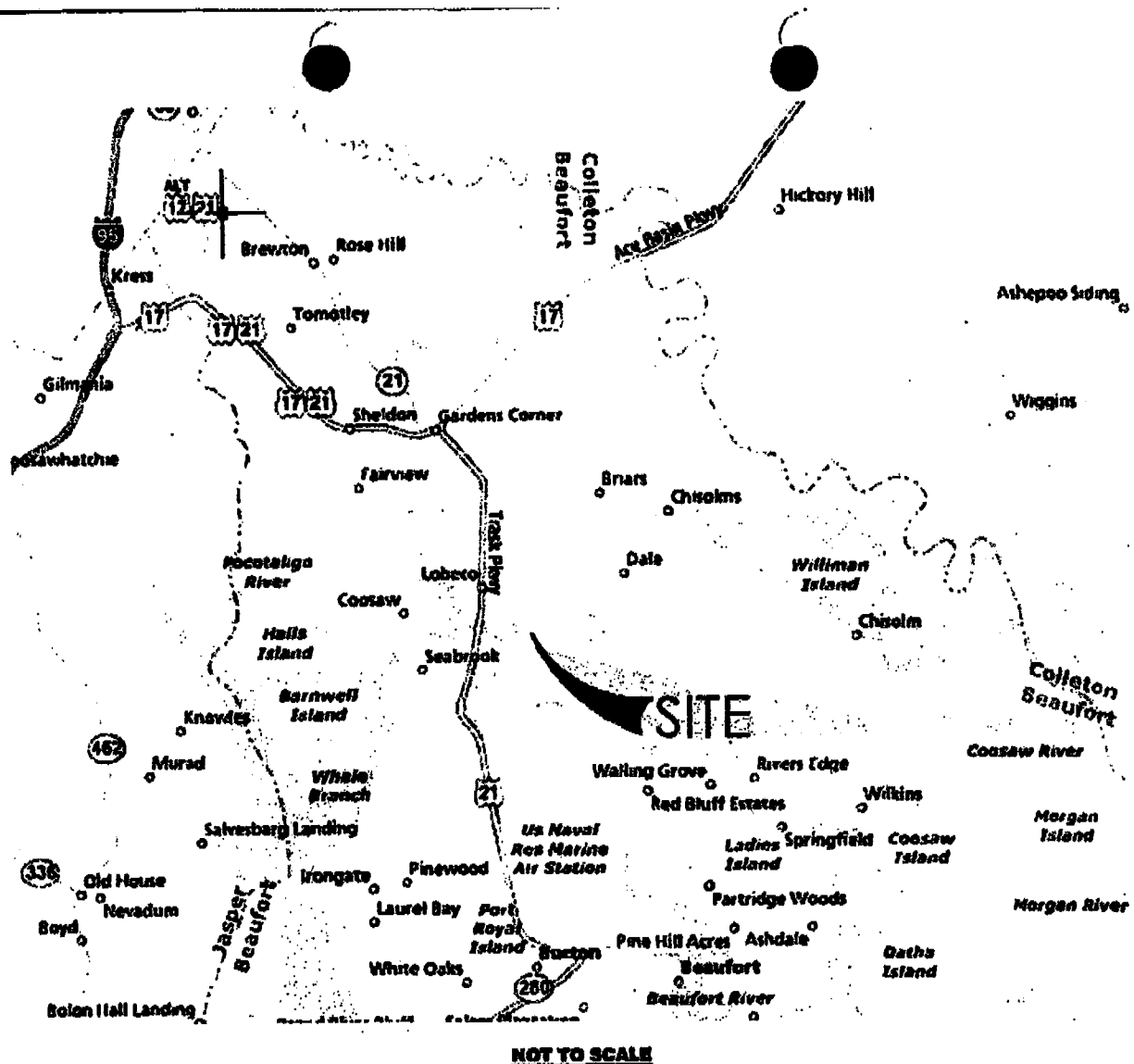
515 BLAIR STREET
SAVANNAH, GA 31401

o: 912.236.1981
f: 912.236.6710

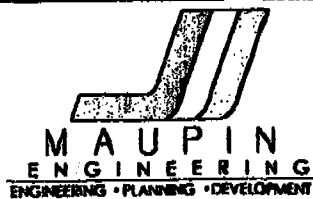
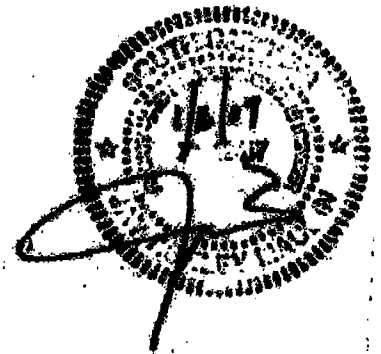
SHEET CUT A.4
BOARDWALK SECTION
15th Del Rio, LLC
SEABROOK, SC



DATE: JUNE 2008
JOB #: 000-00-0



**Edens Key Community Fishing Pier
Drawings P/N 2008-2104-1IT**



MAUPIN ENGINEERING, INC.

**515 BLAIR STREET
SAVANNAH, GA 31401**

**O: 912.236.1961
F: 912.236.6710**

**VICINITY MAP
KLA DEL RID, LLC
SEABROOK, SC**



**DATE: JUNE 2008
JOB #: 000-00-00**